

SENATE BILL No. 420

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-22.

Synopsis: Incorporation of documents in administrative rules. Permits an agency to electronically submit certain material that is incorporated by reference in a proposed administrative rule. Permits material that is incorporated by reference to accompany the copy of the final rule when it is distributed to the state library.

Effective: July 1, 2004.

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January 12, 2004, read first time and referred to Committee on Economic Development and Technology.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 420

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-22-2-21, AS AMENDED BY P.L.90-2002,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 21. (a) If incorporation of the text in full would be
4 cumbersome, expensive, or otherwise inexpedient, an agency may
5 incorporate by reference into a rule part or all of any of the following
6 matters:

7 (1) A federal or state statute, rule, or regulation.

8 (2) A code, manual, or other standard adopted by an agent of the
9 United States, a state, or a nationally recognized organization or
10 association.

11 (3) A manual of the department of local government finance
12 adopted in a rule described in IC 6-1.1-31-9.

13 (b) Each matter incorporated by reference under subsection (a) must
14 be fully and exactly described.

15 (c) An agency may refer to a matter that is directly or indirectly
16 referred to in a primary matter by fully and exactly describing the
17 primary matter.

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(d) Whenever an agency submits a rule to the attorney general, the governor, or the secretary of state under this chapter, the agency shall also submit a copy of the full text of each matter incorporated by reference under subsection (a) into the rule, other than the following:

- (1) An Indiana statute or rule.
- (2) A form or instructions for a form numbered by the commission on public records under IC 5-15-5.1-6.
- (3) The source of a statement that is quoted or paraphrased in full in the rule.
- (4) Any matter that has been filed with the secretary of state before the date that the rule containing the incorporation is filed.
- (5) Any matter referred to in subsection (c) as a matter that is directly or indirectly referred to in a primary matter.

(e) An agency may comply with subsection (d) by submitting a paper or an electronic copy of the full text of the matter incorporated by reference.

SECTION 2. IC 4-22-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) **Except as provided in subsection (f)**, the secretary of state shall retain a duplicate original copy of each rule that has been accepted for filing by the secretary of state (including documents filed with the secretary of state under IC 4-22-2-21). The secretary of state has official custody of an agency's adopted rules.

(b) Within one (1) business day after the date that the secretary of state accepts a rule for filing, the secretary of state shall distribute two (2) duplicate copies of the rule to the publisher in paper form. However, the secretary of state may distribute the rule without including the full text of any matter incorporated into the rule.

(c) When the copies are distributed under subsection (b), the secretary of state shall include a notice briefly describing the incorporated matters.

(d) Within ninety (90) days after the secretary of state accepts a rule for filing, the secretary of state may distribute duplicate originals of the rule, as follows:

- (1) To the governor, one (1) copy.
- (2) To the attorney general, one (1) copy.
- (3) To the Indiana library and historical department, two (2) copies.
- (4) After December 31, 1987, to the commission on public records, the number of copies needed by the commission for its archive program under IC 5-15-5.1.

(e) The secretary of state may distribute copies under subsection (d)

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1 in micrographic or electronic form. The micrographic copies shall be
2 prepared under IC 4-5-1-2.

3 **(f) If a final rule includes material that has been incorporated**
4 **by reference under IC 4-22-2-21, the secretary of state may:**

5 **(1) retain custody of the secretary of state's original copy of**
6 **the material; or**

7 **(2) transfer the secretary of state's original copy of the**
8 **material to the Indiana library and historical department**
9 **when the secretary of state transfers two (2) copies of the**
10 **duplicate original rule to the Indiana library and historical**
11 **department under this section.**

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